

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

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REP. PETER BREEN
REP. TOM DEMMER
REP. GREG HARRIS
REP. LOU LANG
REP. ANDRÉ THAPEDI

MINUTES

June 13, 2017

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on Tuesday, June 13, 2017 at 11:00 a.m. in Room C-600 of the Michael A. Bilandic Building, Chicago IL.

Co-Chair Wheeler called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee meetings. Other persons are encouraged to submit their comments to the JCAR office in writing.

ATTENDANCE ROLL CALL

X Senator Bill Brady	X Representative Peter Breen
X Senator Don Harmon	X Representative Tom Demmer
X Senator Karen McConnaughay	X Representative Greg Harris
Senator Tony Muñoz	Representative Lou Lang
Senator Ira Silverstein	X Representative André Thapedi
X Senator Chuck Weaver	X Representative Keith Wheeler

APPROVAL OF THE MINUTES OF THE MAY 9, 2017 MEETING

Senator Weaver moved, seconded by Representative Breen, that the minutes of the May 9, 2017 meeting be approved. The motion passed unanimously (9-0-0).

CONSIDERATION OF OTHER RULEMAKINGS

Department of Healthcare and Family Services – Medical Payment (89 Ill. Adm. Code 140; 40 Ill. Reg. 15645)

Co-Chair Wheeler announced that this rulemaking would be considered at JCAR's July meeting.

Department of Public Health – Laboratory Service Fees (77 Ill. Adm. Code 475; 40 Ill. Reg. 9325)

Representative Thapedi asked Director Nirav Shah to come to the table to explain the background of the rule and address AFSCME's concerns about the possibility that this could be a step toward privatizing State laboratories. Dr. Shah explained that the purpose of the rule is to align DPH's rules with the authorizing statute that allows DPH to contract with other laboratories in providing health service. In times of emergency outbreak situations, DPH needs maximum flexibility to ensure that all the necessary testing

is done in a timely fashion. For example, last summer the laboratory did not have the capability to test for Zika virus and had to rely on a private lab to do so.

With respect to AFSCME's concerns, Dr. Shah said that JCAR held a meeting at which he assured AFSCME that this rulemaking would not result in the termination of any AFSCME employees in DPH laboratories across the State. The intention of the rule is to expand to DPH's capability to do testing, not to subtract from it.

Representative Thapedi asked if any of the issues raised by AFSCME were able to be resolved. Because AFSCME, unlike DPH, cannot testify before the Committee, JCAR trusts that DPH is able to properly summarize all of the concerns raised by all of the stakeholders and explain how they were resolved. Dr. Shah said that last week (June 5) DPH received proposed language from AFSCME that DPH determined would not work. On June 8, DPH responded to AFSCME and shortly thereafter a teleconference was held. Dr. Shah conceded that AFSCME was still unhappy with the rule as it stood, but reiterated his pledge that this rulemaking would not result in the termination of any AFSCME employees in DPH laboratories.

Representative Thapedi asked what was problematic about the AFSCME-proposed language. Dr. Shah said that AFSCME's proposed language made explicit reference to use of a definition of a public health emergency in federal statutes (the Public Health Service Act), but that statute doesn't contain a definition of public health emergency. It merely lists a set of ancillary powers the federal government has at its disposal in the event a public health emergency is declared. DPH expressed to AFSCME in writing on June 8 that AFSCME's proposed language would not remedy the fundamental concern that DPH identified. Dr. Shah again pointed out that the existing rule constrains the Agency more than statute itself does.

CERTIFICATION OF NO OBJECTION

Representative Demmer moved, seconded by Representative Harris, that the Committee inform the agencies to whose rulemakings the Committee did not vote an Objection or Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the agreements for modification of the rulemakings made by the agencies, no Objections will be issued. The motion passed unanimously (9-0-0).

ANNOUNCEMENT OF MAY MEETING DATE

Co-Chair Wheeler announced that the next JCAR meeting would be held at 11:00 a.m. on Tuesday, July 18, 2017, in Room C-600 of the Michael A. Bilandic Building, Chicago IL.

ADJOURNMENT

Senator Harmon moved, seconded by Representative Thapedi, that the meeting stand adjourned. The motion passed unanimously.

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